

House Bill 879

By: Representative Franklin of the 43rd

A BILL TO BE ENTITLED
AN ACT

To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, so as to provide a short title; to provide a legislative declaration of authority; to define certain terms; to provide that products grown, produced, or manufactured and located in Georgia shall not be subject to federal law or regulations; to provide for exceptions; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "State Authority and Intrastate Commerce Act."

SECTION 2.

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended by adding a new chapter to read as follows:

"CHAPTER 16

10-16-1.

The General Assembly declares that the authority for this chapter derives from the following:

(1) The Tenth Amendment to the United States Constitution, which guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Georgia certain powers as they were understood at the time that the citizens of Georgia ratified the Constitution. The guaranty of those powers is a matter of contract between the state and people of Georgia and the United States as of the time that the compact with the United States was agreed upon and adopted by the 13 original states of these United States;

(2) The Ninth Amendment to the United States Constitution, which guarantees to the people rights not granted in the Constitution and reserves to the people of Georgia certain rights as they were understood at the time the union of states was formed. The guaranty of those rights is a matter of contract between the state and people of Georgia and the United States as of the time that the compact with the United States was agreed upon and adopted by the 13 original states of these United States; and

(3) The regulation of intrastate commerce vested in the states under the Ninth and Tenth Amendments to the United States Constitution, particularly if not expressly preempted by federal law.

10-16-2.

As used in this chapter, the term:

(1) 'Borders of Georgia' means the boundaries of Georgia as deduced from the Constitution of Georgia; the Convention of Beaufort; the Articles of Cession and Agreement with the United States of America entered into on April 24, 1802, which defines the northern boundary of the state as lying along the 35th parallel; the Resolution of the General Assembly dated December 8, 1826; and the adjudications and compromises affecting Alabama, Florida, and South Carolina and are as described in Code Section 50-2-1.

(2) 'Manufactured' means that a product has been created from basic materials for functional usefulness.

(3) 'Produced' means grown, manufactured, assembled, mined, extracted, generated, or created.

10-16-3.

A product that is produced commercially or privately in Georgia and that remains within the borders of Georgia shall not be subject to federal law or federal regulation or under the authority of Congress to regulate interstate commerce. Such items shall not be deemed to have traveled in interstate commerce. This chapter shall apply to a product that is produced in Georgia from basic materials or assembled from parts. The authority of Congress to regulate interstate commerce in basic materials shall not include authority to regulate products produced in Georgia from those materials or parts.

10-16-4.

A product manufactured or assembled in Georgia under this chapter shall have the words 'Made in Georgia' clearly stamped on an integral part. Products grown, mined, extracted,

57 or created in Georgia shall have the words 'Georgia Product' stamped on the container or
58 packaging.

59 10-16-5.

60 The provisions of this chapter shall apply to products that are produced and retained in
61 Georgia after July 1, 2010."

62 **SECTION 3.**

63 All laws and parts of laws in conflict with this Act are repealed.